

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID A. SMILEY,)
)
Plaintiff,)
) C.A. No. 1:07-005-SLR
v.)
)
UAW LOCAL 1183,) JURY TRIAL DEMANDED
)
Defendant,)
)

2008 APR -7 AM 10:18
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

**PLAINTIFF DAVID SMILEY'S COMPLAINT
AGAINST DEFENDANT UAW LOCAL 1183**

UAW Local 1183 through its representatives, its president, representative shop stewards and insurers created a breach of its duty of fair representation, when upon my termination on May 13, 2005, U.A.W. Local 1183, failed to enter a grievance on my behalf.

The UAW Local 1183 violated my Title VII rights and the Civil Rights Act of 1967, as an American of African decent, in addition to discriminating against me because of my color, when it intentionally refused to honor the negotiated Local Agreement and failed to adequately represent a union member.

Sub paragraph (c) of Labor organization practices, states that it

shall be an unlawful employment practice for a labor organization, (1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin; (2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or (3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Title 42 U.S.C. 2000e-2, A (1),C(1)(2)(3).

The U.A.W. acted in a perfunctory manner in regards to its failure to properly conduct an investigation into the facts concerning my termination of employment from Daimler Chrysler Corporation and the ineffective representation of a union member.

As a result of the breach of fair representation by the U.A.W.

Union Local 1183, I have suffered an economic loss due its union officials failure to represent me fairly regarding my termination of employment at the

Daimler Chrysler Corporation.

Because of the breach of contract by the leadership of the U.A.W. Local Union 1183, its agents and insurers I have suffered emotional distress and harm to my reputation also as a direct result of the inaction of the Defendants Daimler Chrysler Corporation, Union Local 1183 and its agents and insurers for its violation of title VII of the Civil Rights Act of 1964, and 42 U.S.C. 2000e-2, A (1),C(1)(2)(3).

The plaintiff seeks both compensatory and punitive damages for the harm inflicted by the breach caused by UAW Local 1183, its agents and insurers and its indifference to its minority membership.

Additionally, I charge the UAW Local 1183, its agents and insurers with violation of my rights as an American of African Ancestry, applicable to Title VII of the 1964 Civil Rights Act., 2000e.

Further, I charge that the union UAW Local 1183, its agents and insurers with a failure to make a decision on whether or not to arbitrate.

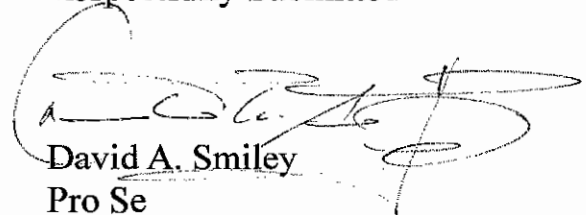
Finally, for a failure to notify the grievant of a decision not to arbitrate in time for the grievant to pursue other available remedies available. Poor quality of presentation and extreme negligence in investigation and extreme passivity in case preparation.

In closing, the perfunctory handling of an arbitration case, which effectively prevents factual proof of the grievants position.

Upon my termination of employment with the Daimler Chrysler Corporation, there was no evidence of disciplinary occurrences, absence abuse, work product, however, the only documented contact between UAW Local Union 1183 representatives was by letter dated February 13, 2006.

Therefore, it is for the above stated reasons the Plaintiff prays that the Court accepts the facts contained within this Complaint and find in favor of the Plaintiff.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'David A. Smiley', is written over a circular stamp or seal.

David A. Smiley
Pro Se
814 B Village Circle
Newark, DE 19713
(302) 444-4872
(302) 345-3395
Dasmyle2@aol.com

Dated: April 7, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID A. SMILEY,

Plaintiff,

V.

DIAMLER CHRYSLER,

Defendant,

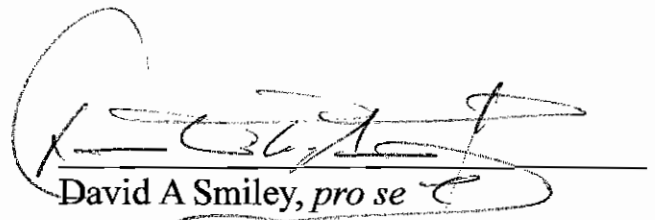
C.A. No. 1:07-005-SLR

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify this 7th day of April 2008, that two (2) true and correct Copies of the foregoing **PLAINTIFF DAVID A. SMILEY'S COMPLAINT AGAINST DEFENDANT U.A.W. LOCAL 1183**, was served by U.S. First Class Mail, postage prepaid, to the following address:

Larry Dixon
UAW Local 1183
698 Old Baltimore Pike
Newark, DE 19702
(302) 738-4500 Telephone
(302) 738-9564 Fax


David A Smiley, *pro se*
814 Village Circle B
Newark, DE 19713

(302) 444-4872 (Residence)
(302) 345-3395 (Cellular)
Dasmyle2@aol.com (Email)